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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/823,823	03/25/1997	LAWRENCE N. TAUGHER	10970451-4	7870

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FORT COLLINS, CO 80527-2400

EXAMINER

NEYZARI, ALI

ART UNIT	PAPER NUMBER
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2655

34

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

## Office Action Summary

Application No.

08/823,823

Applicant(s)

TAUGHER, LAWRENCE N.

Examiner

ALI NEYZARI

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

In view of the Decision by the Board of Patent Appeals filed on 11-13-2003, PROSECUTION IS HEREBY REOPENED.

Applicant's arguments, filed 6-8-2001 (Appeal Brief), with respect to some rejections of claims 1-11 under 35 USC 112 and 103 have been fully considered and are persuasive in part. Therefore, the final rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the same prior art that applied in previous rejections.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art disclosed in the specification in view of Parker and Starrett and further in view of Japanese Patent NO. 404095287 to Takahashi (cited by applicant).

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In pages 1-4 of the specification, applicant admits that power calibration area are used in optical disks for calibrating laser power, since laser writing must be calibrated for each disk. This is a conventional method, which is also disclosed by Kuroda et al as prior art (supporting document). Page 82 of "CD Recordable Handbook" by Parker and Starrett", also discuss the Program Memory Area (PMA) and Power Calibration Area (PCA) on CD\_R disks.

Takahashi in page 4 of the translation of Japanese Patent, lines 8-12, discloses that "a recording inhibiting sheet member which is removably attached to at least cover the recording area of the optical disk memory body for blocking the recording light, allowing only the reproduction light to pass through the sheet". Also, Takahashi in page 5 of the translation, lines 3-7, discloses that, "this invention provides a method that removably adheres a recording inhibition sheet having a filtering function for specific optical frequency (recording frequency) at least in the area of the recording region to inhibit the data overwriting"

Therefore, it would have been obvious to one of ordinary skill in the art to cover the power calibration area of the disk of the prior art discussed above in the same manner that the recording area of the disk is covered in Takahashi.

Since it was admittedly known in the prior art (discussed above), that the Power Calibration area (PCA) of the disk is necessary readable in order to effect recording, therefore, it would have been obvious to one of ordinary skill in the art, based upon the admitted prior art and Takahashi, to cover a functional area of the disk other than the recording area, such as "Power Calibration Area".

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With respect to claims 2, page 10, line 17-20 of the translation discloses that the recording seal (8) does not need to be adhered over the disk, any shape such as a crescent shaped seal may be used. therefore it would have been obvious to have the seal ring shaped suitable to fit in a depressed area on the disk.

With respect to claim 3, page 6, lines 17+ and page 7, line 5, disclose " a ring-shaped recording inhibiting seal 8 can be adhered on the region C" (Fig 1a).

With respect to claim 7, page 13, lines 16+, discloses that as shown in Fig 11, laser light at particular wavelength (frequency) is completely blocked.

With respect to claims 4,8-11, covering PCA with material (such as; ink, dye, paint, etc.), page 10, line 13+ of the translation disclose that "as an alternative to the dark/bright pattern, the surface of the recording inhibition seal 8 may be colored with a single color having a reflection ration different from the reflection rate of the area C which is the seal-adhesion area".

With respect to claim 5, the combination of above prior art disclose the claimed invention except for the use of abrasive tool to abrade the PCA on the disk.

However application of seal 8, made in different shape and with different material are disclosed by above prior art, in order to temporarily or permanently inhibit PCA area of the disk from recoding. As discussed above, covering, painting, coloring, etc. of the PCA area are different method of making the disk non-recodable in that area. As shown in Fig. 6, PCA 304 , the phase change material or transparent cover layer is partially damaged or destroyed. Therefore, it would have been obvious to one of ordinary skill in the art to use any method of; scratching or abrading or using laser in

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order to damage the PCA, in order to provide permanently non-recordable or provide write protection when recording is not desired as taught by above prior art.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALI NEYZARI whose telephone number is 703-308-4906. The examiner can normally be reached on Mon-Thurs from 7:00 AM TO 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DORIS TO can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-305-9731.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Ali Neyzari  
12-17-2003

  
ALI NEYZARI  
PRIMARY EXAMINER